

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA**

John-Thomas Doljanin v. Reuben Ellis, et al.

Doljanin v. Ellis · No. 24-CV-1689 JLS (SBC) · Decided October 28, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 JOHN-THOMAS DOLJANIN, Case No.: 24-CV-1689 JLS (SBC) 12
Plaintiff, ORDER GRANTING UNOPPOSED 13 v. MOTIONS TO DISMISS PURSUANT TO
CIVIL LOCAL RULE 7.1(f)(3)(c) 14 REUBEN ELLIS, et al. 15 Defendants. (ECF Nos. 41, 42,
43, 44) 16 17 Presently before the Court is (1) Defendant Susan Bonanno's Motion to Dismiss 18
Plaintiff's Consolidated Complaint (ECF No. 41); (2) Defendants Beth Hart's, Geoff 19 Poole's,
Borrego Water District's, Terry Considine's, Shannon Smith's, Rodney Bruce's, 20 Harry
Turner's, Rams Hill Golf Club's, improperly sued as Rams Hill Country Club, T2 21 Palms,
LLC's, and T2 Holding, LLC, dba T2 B Holding, LLC's, improperly sued as T2 22 Holdings,
Joint Motion to Dismiss Plaintiff's Consolidated Complaint (ECF No. 42); 23 (3) Defendant
Reuben Ellis's Motion to Dismiss Plaintiff's Consolidated Complaint (ECF 24 No. 43); and (4)
Defendant County of San Diego's Motion to Dismiss Plaintiff's 25 Consolidated Complaint (ECF
No. 44).

Also before the Court is Defendant County of San 26 Diego's Notice of Non-Opposition (ECF
No. 47), Defendant Susan Bonanno's Reply/ 27 Notice of Non-Opposition (ECF No. 48), and
Defendants Beth Hart's, Geoff Poole's, 28 Borrego Water District's, Shannon Smith's, Terry
Considine's, Rodney Bruce's, Harry 1 Turner's, Rams Hill Golf Club's, T2 Palms, LLC's, and T2
Holding, LLC dba T2 B 2 Holding LLC's Joint Reply in Support of and Notice of Non-
Opposition to Joint Motion 3 to Dismiss (ECF No. 49).

4 On September 11, 2025, Plaintiff John-Thomas Doljanin filed a Consolidated 5 Complaint, see
ECF No. 40, and Defendants filed their respective motions to dismiss on 6 September 25, 2025,
with a noticed hearing set for November 6, 2025, see generally 7 Docket.

On October 2, 2025, the Court vacated the hearing on Defendants' motions to 8 dismiss pursuant
to Civil Local Rule 7.1(d)(1). See ECF No. 45. The deadline for 9 Plaintiff's opposition came and
went on October 23, 2025, with no response from Plaintiff. 10 See generally Docket. 11 The Ninth
Circuit has held that, pursuant to a local rule, a district court may properly 12 grant a motion to
dismiss for failure to respond to a motion.

See *Ghazali v. Moran*, 13 46 F.3d 52, 53 (9th Cir. 1995) (per curiam) (affirming dismissal for
failure to file timely 14 opposition papers where plaintiff had notice of the motion and ample time

to respond). 15 Here, a local rule allows the Court to grant the Motion. Civil Local Rule 7.1(f)(3) (c) 16 provides: “If an opposing party fails to file [an opposition] in the manner required by Civil 17 Local Rule 7.1.e.2, that failure may constitute a consent to the granting of a motion or other 18 request for ruling by the court.” 19 In determining whether to dismiss an action, the Court must weigh several factors: 20 “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to 21 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring 22 disposition of cases on their merits; and (5) the availability of less drastic sanctions.” 23 Ghazali, 46 F.3d at 53 (quoting *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir.

24 1986)). The first and fourth factors cut in opposite directions. See *Yourish v. Cal. 25 Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999) (“[T]he public’s interest in expeditious 26 resolution of litigation always favors dismissal.”); *Hernandez v. City of El Monte*, 27 138 F.3d 393, 401 (9th Cir. 1998) (stating the fourth factor weighs against dismissal).

The 28 Court therefore considers the substance of factors two, three, and five. 1 Here, the second factor weighs in favor of dismissal. The Court must manage its 2 docket to ensure the efficient provision of justice. Plaintiff had notice of Defendants’ 3 motions to dismiss yet failed to file a timely opposition. Further, Plaintiff has not provided 4 any excuse for his failure to timely file an opposition.

The Court cannot continue waiting 5 for Plaintiff to act, and a case cannot move forward when the plaintiff fails to defend his 6 case. 7 The third factor, which considers the prejudice to a defendant that results from a 8 plaintiff’s inaction, also favors dismissal. See *Malone v. U.S.P.S.*, 833 F.2d 128, 131 9 (9th Cir. 1987).

Under this factor, “the risk of prejudice... is related to [Plaintiff’s] reason 10 for defaulting in failing to timely” file his opposition. *Yourish*, 191 F.3d at 991. Where, 11 as here, a plaintiff fails to provide any excuse for his conduct or contact the Court regarding 12 said failure, this factor weighs in favor of dismissal. See, e.g., *Enders v. Countrywide 13 Home Loans, Inc.*, No. C 09-3213SBA, 2009 WL 4018512, at *2 (N.D.

Cal. 14 Nov. 16, 2009). 15 As to the fifth factor, where the plaintiff does not oppose dismissal, it is “unnecessary 16 for the Court to consider less drastic alternatives.” *Rodriguez v. Nationstar Mortg. LLC*, 17 No. 2:16–CV–5962–ODW(SK), 2016 WL 4581402, at *1 (C.D. Cal. Sept. 1, 2016). 18 Plaintiff has failed to respond to Defendants’ motions to dismiss and has also failed to 19 respond to Defendants’ requests for dismissal in light of his non-opposition to their motions 20 to dismiss.

See generally Docket; see also ECF Nos. 47, 48, 49. Therefore, this factor 21 favors dismissal, and the Court “accepts Plaintiff’s lack of response as acquiescence.” 22 *Rodriguez*, 2016 WL

4581402, at *1. 23 /// 24 /// 25 /// 26 /// 27 /// 28 /// 1 Finding that the Ghazali factors weigh in favor of granting the unopposed motions, 2 Court GRANTS Defendants' Motions to Dismiss (ECF Nos. 41, 42, 43, 44) pursuant 3 Civil Local Rule 7.1(f)(3)(c).

The Court DISMISSES WITHOUT PREJUDICE 4 || Plaintiffs Consolidated Complaint (ECF No. 40). Plaintiff MAY FILE an amended 5 ||complaint within fourteen (14) days of the date on which this Order is electronically 6 ||docketed. Failure to do so will result in a dismissal of the matter with prejudice. 7 IT IS SO ORDERED. 8 || Dated: October 28, 2025: tt 9 jae Janis L. Sammartino 10 United States District Judge 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28